

COUNTY COUNCIL

AS AMENDED

OF

HARFORD COUNTY, MARYLAND

BILL NO. 95 -95 (as amended)

Introduced by Council President Parrott at the request of the County Executive

Special Legislative Session Day No. 95- 37

Date: December 21, 1995

**AN ORDINANCE approving and providing for a multi-year Installment Purchase Agreement by Harford County, Maryland to acquire development rights in up to 235 acres of agricultural land located at 3112 Grier Nursery Road, Forest Hill, Maryland 21050, Maryland from Franklin Harkins, or any other owner thereof for a maximum purchase price of \$2,069.00 per acre or portion thereof (excluding one acre for any existing residential dwelling); providing that the County's obligation to pay such purchase price and interest thereon shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to make modifications in such Agreement under certain circumstances; and providing for and determining various matters in connection therewith.**

By the Council, December 21, 1995

Introduced, read first time, ordered posted and public hearing scheduled

on: January 16, 1996

at: 7:00 p.m.

By Order: *J. D. Vannoy* Acting Secretary

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 16, 1996, and concluded on January 16, 1996.

*James D. Vannoy* Acting Secretary

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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RECITALS

In accordance with the provisions of Section 524 of the Charter of Harford County (the "Charter"), the Annual Budget and Appropriation Ordinance of Harford County, Maryland (the "County") the Budget for fiscal year 1996, Bill No. 95-22 As Amended (the "Budget Ordinance") includes a project permitting the County to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County, which Budget Ordinance was adopted by the County Council of Harford County, Maryland (the "County Council") as the Budget Ordinance, in accordance with the Charter.

Section 520 of the Charter provides that "any contract, lease or other obligation in excess of three thousand dollars (\$3,000) requiring the payment of funds from the appropriations of a later fiscal year shall be authorized by legislative act, and Section 524 of the Charter provides that the County may enter into installment contracts to purchase easements for agricultural land preservation purposes and pursuant to Bill No. 93-2 passed by the County Council on April 6, 1993, approved by the County Executive of the County on April 20, 1993, and effective on June 21, 1993 (the "Authorizing Act"), the County has been authorized and empowered to enter into such installment purchase agreements.

The Authorizing Act provides that after review by the Harford County Agricultural Advisory Board in accordance with the County's Easement Priority Ranking System and approval by the Harford County

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NOW, THEREFORE:

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND, That

(a) Harford County, Maryland (the "County") shall enter into an Installment Purchase Agreement (the "Installment Purchase Agreement") with Franklin Harkins, and or any person who is or becomes the owner of all or any portion of the Land (hereinafter defined) prior to the execution and delivery of the Installment Purchase Agreement (the "Seller") in order to acquire the development rights in approximately 235 acres of land, more or less, located at 3112 Grier Nursery Road, Forest Hill, Maryland 21050, within the County (the "Land"), for an aggregate purchase price not in excess of \$486,215.00 (the "Purchase Price"), plus interest thereon as hereinafter provided; provided that the actual amount of the Purchase Price shall be equal to the lesser of such maximum amount or \$2,069.00 multiplied by the number of acres in the Land (minus one acre for any existing residential dwelling located thereon);

(b) The Installment Purchase Agreement shall be in substantially the form attached hereto as Exhibit C and made a part hereof, and in such form the Installment Purchase Agreement is hereby approved as to form and content. The Installment Purchase Agreement shall be dated as of the date of its execution and delivery by the County and the Seller (the "Closing Date");

(c) A portion of the Purchase Price, in the amount determined as hereinafter provided, shall be paid in cash on the

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the Installment Purchase Agreement attached hereto as Exhibit C is in the best interests of the County;

(b) The Installment Purchase Agreement is a contract providing for the payment of funds at a time beyond the fiscal year in which it is made and requires the payment of funds from appropriations of later fiscal years;

(c) Funds for the payment of the Purchase Price under the Installment Purchase Agreement are included in the Budget Ordinance, As Amended;

(d) The County shall acquire the development rights in the Land in perpetuity;

(e) The Purchase Price is within the legal limitation on the indebtedness of the County as set forth in Article 25A, § 5(P) of the Annotated Code of Maryland;

(f) The cost of acquiring the development rights in the Land is equal to the Purchase Price;

(g) The only practical way to acquire the development rights in the Land is by private negotiated agreement between the County and the Seller.

SECTION 3. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND, That the Installment Purchase Agreement shall be signed by the County Executive of the County (the "County Executive") by her manual signature, and the Installment Purchase Agreement shall bear the corporate seal of the County, attested by the manual signature of the Director of Administration of the County (the "Director of Administration"). In the event that any

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1        SECTION 5. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
2 HARFORD COUNTY, MARYLAND, That the County Executive, the Director  
3 of Administration, the Treasurer of the County and other officials  
4 of the County are hereby authorized and empowered to do all such  
5 acts and things and to execute, acknowledge, seal and deliver such  
6 documents (including a Tax Certificate and Compliance Agreement)  
7 and certificates as the County Executive may determine to be  
8 necessary to carry out and comply with the provisions of this  
9 Ordinance subject to the limitations set forth in the Enabling  
10 Legislation and any limitations set forth in this Ordinance.

11        SECTION 6. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
12 HARFORD COUNTY, MARYLAND, That the Treasurer of the County is  
13 hereby designated and appointed as registrar and paying agent for  
14 the Installment Purchase Agreement (the "Registrar"). The  
15 Registrar shall maintain, or cause to be maintained, books of the  
16 County for the registration and transfer of ownership of the  
17 Installment Purchase Agreement. In addition, the County may, from  
18 time to time, designate and appoint the Department of the Treasury  
19 of the County, any officer or employee of the County or one or more  
20 banks, trust companies, corporations or other financial  
21 institutions to act as a substitute or alternate registrar or  
22 paying agent for the Installment Purchase Agreement, and any such  
23 substitute or alternate shall be deemed to be the Registrar or an  
24 alternate Registrar for all purposes specified in the resolution  
25 appointing such substitute or alternate. Any such appointment  
26 shall be made by the County Council by resolution and the exercise

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1 interest on the unpaid balance of the Purchase Price as and when  
2 the same respectively become due and payable.

3 SECTION 8. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
4 HARFORD COUNTY, MARYLAND, That this Ordinance shall take effect  
5 sixty (60) calendar days after it becomes law.

EFFECTIVE: March 19, 1996

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HARFORD COUNTY BILL NO. 95-95 (as amended)

(Brief Title) Ag. Land Preservation - Harkins property

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Varnum  
Acting Secretary  
of the Council

Joanne S. Parrott  
President of the Council

Date January 16, 1996

Date 1/16/96

BY THE COUNCIL

Read the third time.

Passed: LSD 96-3 (January 16, 1996)

Failed of Passage: \_\_\_\_\_

By Order

James D. Varnum  
Acting Secretary

Sealed with the County Seal and presented to the County Executive for approval this 18th day of January, 1996 at 3:00 p. m.

James D. Varnum  
Acting Secretary

BY THE EXECUTIVE

Ellen M. Reisman  
COUNTY EXECUTIVE

APPROVED: Date January 19, 1996

BY THE COUNCIL

This Bill (No. 95-95, as amended), having been approved by the Executive and returned to the Council, becomes law on January 19, 1996.

James D. Varnum  
Acting Secretary

EFFECTIVE DATE: March 19, 1996

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